IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5506 OF 2005

Nishant Ranjit Singh ... Petitioner

V/s

Sangeeta Nishant Singh ... Respondent

Mr. S.S. Kulkarni for the petitioner.

Mrs. Seema Sarnaik for the respondent.

CORAM: S.U. KAMDAR, J.

DATED: 22ND NOV., 2005

P.C.:

1. By the present petition, the order dated 28.7.2005 passed by the Family Court No.4, Pune, has been challenged. The Court has fixed Rs.30,000/- p.m. as maintenance payable by the petitioner to the respondent herein. While considering the quantum of maintenance, the learned Trial Court has considered the salary which has been drawn by the petitioner at present of about Rs.1,26,409/- p.m. and keeping in mind the said amount, the maintenance has been fixed. It has been contended by the learned advocate for the petitioner that the petitioner is earning this amount because he is deputed in Singapore and his assignment will come to an end in

the month of December, 2005. He has further stated that his basic salary in India is only Rs.21,536/-. The learned Trial Court has, in para 9 of the order, given the permission to the petitioner to apply for modification of the order as and when he will return from Singapore. In that view of the matter, I do not find any substance for altering the amount of maintenance fixed by the Trial Court keeping in mind the petitioner's present income.

2. In so far as his application under Sec.10 for stay of the matrimonial petition filed a prior petition for divorce before the Ranchi Family Court is concerned, I am informed that there is already a petition pending in the Supreme Court for transfer of the proceeding from Ranchi Family Court to Pune Family Court and in that view of the matter, no such order of stay of any other proceeding is necessary at this stage. However, petitioner will be entitled to apply for any such relief after the matter is finally determined by the Supreme Court on transfer petition preferred by the respondent herein.

3. In so far as arrears is concerned, according to the respondent, the arrears is Rs.2,25,000/-. The

petitioner states that subject to verification he will accept and pay the said amount of arrears within a period of two months from today. The petitioner is accordingly directed to pay arrears in the aforesaid period of two months and continue to pay the maintenance as per impugned order as and when due. Petition is disposed off accordingly. No order as to costs.

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